

REMARKS

In the Office Action, the Examiner rejected claims 6 and 11 under 35 U.S.C. §112, second paragraph; and rejected claims 1-6, 11-13, 16, 18, 21, 23-29, 31-34, 36, 39-41, 44, 45 and 46 under 35 U.S.C. §102(e); and rejected claims 7-10, 14, 15, 17, 19, 20, 22, 30, 35, 37, 38 and 42-44 under 35 U.S.C. §103(a). These rejections are fully traversed below.

Claims 1, 6, 11, 21, 30 and 43 have been amended to further clarify the subject matter regarded as the invention. New claim 50 has also been added to the application. Claims 1-46 and 50 are pending. Reconsideration of the application is respectfully requested based on the following remarks.

Specification Amendments

In the Office Action, the Examiner denied entry of the specification amendment to paragraph [0059]. Applicants agree that the amendment to paragraph [0059] is not needed with regard to the prior rejection under 35 USC § 101. However, if such amendment were to be entered, it would not constitute new matter as alleged by the Examiner.

Rejection of Claims 6 and 11 under 35 USC 112, 2nd Paragraph

In the Office Action, the Examiner rejected claims 6 and 11 under the second paragraph of 35 USC §112 due to antecedent basis concerns or language inconsistencies. Claims 6 and 11 have been amended to clarify the informalities identified by the Examiner. Therefore, it is respectfully requested that the rejection of claims 6 and 11 under the second paragraph of 35 USC §112 be withdrawn.

Patentability of Claims 1-46

In the Office Action, the Examiner rejected claims 1-6, 11-13, 16, 18, 21, 23-29, 31-34, 36, 39-41, 44, 45 and 46 under 35 U.S.C. §102(e) as being anticipated by Galuten et al., U.S. Patent 7,209,892; rejected claims 14, 17, 19, 35 and 37 under 35 U.S.C. §103(a) as being unpatentable by Galuten et al.; rejected claims 7-10, 22, 30 and 42 and 43 under 35 U.S.C. §103(a) as being unpatentable by Galuten et al. in view of Official Notice; and rejected claims 15, 20 and 38 under 35 U.S.C. §103(a) as being unpatentable by Galuten et al. in view of Marsh, U.S. Patent 7,073,193. Applicants respectfully disagree and fully traverse these rejections below.

Claim 1 pertains to a method for submission of a media collection to a media distribution site. The method obtains metadata for a media collection as well as for a plurality of media items to be included in the media collection. Additionally, media content for the plurality of media items can be identified and converted into compressed media files. The metadata and the media files can then be provided in an electronic package that is submitted to a media distribution site. More specifically, claim 1 recites:

- obtaining metadata for a media collection;
- identifying media content for a plurality of media items to be included in the media collection, the media content being imported from a media source, each of the media items including a different audio track;
- converting the identified media content for the plurality of media items into compressed media files, said converting encodes the media content for each of the media items into a compressed audio format;
- obtaining metadata for the identified media content;
- forming an electronic package of the media collection, the electronic package including at least the compressed media files and the metadata associated with the media collection and the identified media content; and
- thereafter electronically transmitting the electronic package to the media distribution site, thereby submitting the media collection to the media distribution site for subsequent distribution.

Hence, the method of claim 1 is used to enable a submitter to submit an electronic package to a media distribution site in a controlled and properly formatted manner. That is, the method of claim 1 is used to facilitate submission of an electronic package concerning a media collection being submitted to a media distribution site.

In contrast, the processing described in Galuten et al. is primarily, if not exclusively, concerned with managing musical content that is made available for distribution. As to the electronic package that is formed and transmitted to a media distribution site, the Examiner points to column 3, lines 50-52 and 55-61. However, this portion of Galuten et al. merely indicates that content elements (e.g., songs) can be bundled together into a package called "Media Object". "Every content element is optionally compressed, digitally secured and associated with appropriate rights to form Media Objects." However, such processing is done for distribution of the content elements (or Media Objects), not for submission to a media distribution site. As to submission, column 3, lines 12-13 of Galuten et al. simply states: "The system of the present invention receives musical content in various formats and from various sources...." Hence, Galuten et al. is not offering tools or assistance to users that submitting media collections to a media distribution site for distribution. Instead, Galuten et al. is concerned with post-submission processing, such as for production, payment and delivery of musical content.

Moreover, claim 1 recites that for a media collection being submitted, metadata for the media collection is obtained, and media content for the media items in the media collection are identified. The identified media items can then be compressed to form compressed media files. The compressed media files and the metadata can then be placed in an electronic package and submitted to an online distribution site. As noted above Galuten et al., does not teach or suggest that its content elements could be collections. Column 3, lines 47-52 indicates that a media object representing a bundle of media content can be formed from content

elements. However, claim 1 indicates that media data for a media collection is obtained, the media items to be included in the media collection are then identified, and the metadata for the identified media items can be obtained.

Neither the Official Notice taken by the Examiner nor Marsh are able to overcome the deficiencies of Galuten et al. noted above.

Accordingly, it is submitted that claim 1 is also patentably distinct from Galuten et al., alone or in combination with Marsh or the Official Notice.

In addition, claim 31 pertains to a computer readable storage medium that includes computer program code that can operate similar to the method discussed above regarding claim 1. As such, for at least reasons similar to certain of those noted above with respect to claim 1, it is submitted that claim 31 is also patentably distinct from Galuten et al., alone or in combination with Marsh or the Official Notice.

Furthermore, in rejecting certain claims, the Examiner took Official Notice of certain “concepts and advantages”. Applicants again make a seasonable challenge to the taking of Official Notice. Also, there is inadequate motivation of record to combine the Official Notice with Galuten et al.

Moreover, as to claim 30, the Examiner’s Official Notice refers to “queuing a transmission”. Claim 30 is, however, queuing an electronic package until a user indicates with a submission input that the electronic package is to be submitted. Hence, unlike the Examiner’s allegation of Official Notice, the queuing of claim 30 is queuing a transmission to accommodate server or bandwidth availability. Hence, even if the Official Notice were to be combined with Galuten et al., the combination would not teach or suggest claim 30.

Based on the foregoing, it is submitted that claims 1 and 31 are patentably distinct from Galuten et al., alone or in combination with Marsh or the Official Notice. Additional limitations recited in the independent claims or the dependent claims are not further discussed because the limitations discussed above are sufficient to distinguish the claimed invention from the cited art. Accordingly, it is respectfully requested that the Examiner withdraw the rejection to claims 1-46 under 35 U.S.C. §103(a).

SUMMARY

It is submitted that claims 6 and 11 satisfy the requirements of 35 U.S.C. §112, second paragraph. In addition, it is submitted that claims 1-46 are patentably distinct from the cited references. Reconsideration of the application and an early Notice of Allowance are earnestly solicited.

If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Applicants hereby petition for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 504298 (Order No. 101-P291).

Respectfully submitted,

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